

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNY RUBIN; DEBORAH RUBIN; DANIEL MILLER; ABRAHAM MENDELSON; STUART E. HERSCH; RENAY FRYM; NOAM ROZENMAN; ELENA ROSENMAN; and TZVI ROZENMAN

Plaintiffs-Judgment Creditors,

v.

Case No. 05-71387
Honorable Victoria A. Roberts

THE ISLAMIC REPUBLIC OF IRAN (a/k/a Iran, The Republic of Iran, Republic of Iran, The Government of Iran, Iranian Government, and Imperial Government of Iran); THE IRANIAN MINISTRY OF INFORMATION AND SECURITY; AYATOLLAH ALI HOSEINI KHAMENEI; ALI AKBAR HASHEMI-RAFSANJANI and ALI FALLAHIAN-KHUZESTANI,

Defendants-Judgment Debtors,

v.

BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN a/k/a THE REGENTS FOR THE UNIVERSITY OF MICHIGAN; UNIVERSITY OF MICHIGAN; THE UNIVERSITY MUSEUM OF ART; KELSEY MUSEUM OF ARCHAEOLOGY; and THE DETROIT INSTITUTE OF ARTS,

Trustee Process Defendants.

CORRECTED ORDER GRANTING VOLUNTARY DISMISSAL

This matter is before the Court on Plaintiffs' Notice of Withdrawal of Trustee Process, filed on November 17, 2005. The Plaintiffs seek to voluntarily dismiss their motion for attachment against the Trustee Process Defendants, without prejudice.

This is an action for attachment. The Plaintiffs sought to partially satisfy a judgment against the Islamic Republic of Iran by seizing antiquities, allegedly belonging to Iran, in the possession of the Trustee Process Defendants. The Plaintiffs now seek to dismiss the action pending resolution of similar litigation in Boston and Chicago.

The Court reviewed the Plaintiffs' Notice, the Defendant Detroit Institute of Arts' ("DIA") Response and the Plaintiffs' Reply. The Plaintiffs are entitled to dismiss the action, pursuant to Federal Rule of Civil Procedure 41(a). The DIA asks for costs or attorney fees either now, or as a condition of filing a new suit. However, no Defendant filed a motion for summary judgment, as is required to trigger dismissal by order of the court.¹ The Court must grant the Plaintiffs' dismissal unconditionally. Therefore, the Court **GRANTS** Plaintiffs voluntary dismissal, without prejudice.

IT IS SO ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 17, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on February 17, 2006.

s/Linda Vertriest
 Deputy Clerk

¹A motion to dismiss may not be treated as a motion for summary judgment for purposes of FRCP 41(a). *Aamot v. Kassel*, 1 F.3d 441 (6th Cir. 1993).